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**LEMAIRE PATENT LAW FIRM**  
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**FEB 10 2005**

In re Patent No. 6,159,166  
Issue Date: December 12, 2000  
Application No. 09/045,018  
Filed: March 20, 1998  
Patentee(s) Charles F. Chesney et al

**OFFICE OF PETITIONS**

**ON PETITION**

This is a decision on the petition under 37 CFR 1.378(c), filed January 7, 2005, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

Patentee argues that the patent would not have become expired had the Revocation and Power of Attorney filed on December 29, 2003 entered since the notification was mailed to the wrong address.

Unfortunately, whether Patentee received the maintenance fee reminder from the USPTO is irrelevant. Under the current USPTO rules of practice, the agency is under no duty to notify patentee of maintenance fee requirements or when the maintenance fees are due.<sup>1</sup> It is solely the responsibility of a patent/assignee to ensure that the requisite maintenance fee is timely paid to prevent expiration of the patent. Furthermore, Patentee had actual notice of the maintenance fee requirements and due dates through the letters patent itself.<sup>2</sup>

The Revocation and Power of Attorney and Change of Correspondence Address filed January 7, 2005 is entered and made of record.

<sup>1</sup> MPEP Section 2950 (Rev. 2, May 2004).

<sup>2</sup> Ray v. Lehman, 55 F.3d 606, 34 U.S.P.Q.2d 1786 (Fed. Cir. 1995).

Petitioner should note that the mere filing of a power of attorney and/or a change of correspondence address will not affect the fee address. Therefore, if petitioner desires to receive future correspondence regarding any Maintenance Fee Reminder which **may** be mailed regarding maintenance fees for the above-identified patent, the "fee address" form should be submitted.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

The patent file is being forwarded to Files Repository.



Wan Laymon  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

Attachment: Notice Regarding Change of Power of Attorney  
Notice of Acceptance of Power of Attorney